



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,403	01/18/2005	Axel Bunk		2331
1933	7590	11/27/2006		
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER PATEL, VIP	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/521,403		BUNK ET AL.	
	Examiner		Art Unit	
	Vip patel		2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0105</u> . | 6) <input type="checkbox"/> Other: ____ |

Specification

The abstract of the disclosure is objected for following informalities. Abstract contains foreign language and is not limited to 150 words and to a single paragraph on a separate sheet. See MPEP § 608.01(b). Appropriate corrections are requested.

Claim Objections

Claim 10 is objected to because of the following informalities. Since claim 10 depends on claim 1, the previously recited features (for example, cylindrical sleeve, interference filter) should have "said" or "the" previous to such features. Appropriate corrections are requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, ^{and} 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Almer et al (US 4017758).

Regarding claim 1, Almer discloses an electric incandescent lamp (see figure 3) having a lamp vessel (11), incandescent filaments (15 and 16) outside the lamp vessel axis, supply leads (17 and 18), and an interference filter (12). The interference filter is provided with a transparent cylindrical sleeve (length of tube 1). The filament can also be arranged axially in the transparent cylindrical sleeve (see figure 1).

Regarding claim 2, the sleeve of Almer is circular cylindrical tube (see figure 2).

Regarding claims 3 and 11 the interference filter of Almer is in form of coating on the sleeve which reflects IR rays (see figures and line 5 of column 5).

Regarding claim 5, the sleeve of Almer is fixed on the lamp vessel (see figures 1 and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almer et al (US 4017758) and Mason et al (US 3219868)

As per claims 4 and 12, Almer discloses all the limitations of claims 4 and 12 except sleeve made from silica. However, in the same field of endeavor, Mason teaches constructing of such a sleeve from silica (see title). Thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide silica sleeve as taught by Mason for the device of Almer for the purpose of obtaining transparent sturdy glass on which filter can be deposited.

As per claim 6-9, Almer discloses all the limitations of claims 6-9 except how sleeve is fixed (ie, with knobs, at one end, with pinch seal) with lamp vessel. However, Almer has already shown a way by which the sleeve is fixed to the vessel (see figures 3 and 6) and claimed ways to fix the sleeve with the lamp vessel are mere alternative ways to fix the sleeve to the vessel. Therefore, such limitations are a matter of design

Art Unit: 2879

alternative. Alternatively, these limitations are not deemed patentable since the applicant's disclosure fails to show such limitations to solve any problems or to yield any unobvious advantage that is not within the scope of the teachings applied. Therefore, such limitations would be a matter of design alternative.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Almer et al (US 4017758) and Stadler et al (US 5146134).

Regarding claim 10, Almer discloses all the limitations of claim 10 except filament in the form of U or V shape. However, in the same field of endeavor, Stadler et al discloses an incandescent lamps having filaments in the form of U or V shape (see figures). Thus, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to providing multiple filaments as taught by Stadler in the device of Almer for the purpose of obtaining brighter lamp.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vip Patel whose telephone number is (571) 272-2458. The examiner can normally be reached on 5.30am- 2pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/ Vip Patel /
Vip Patel
Primary Examiner
AU 2879